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SPECTRUM PHARMACEUTICALS, INC.  
AND UNIVERSITY OF STRATHCLYDE

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

SPECTRUM PHARMACEUTICALS, INC. ) Case No. 2:15-cv-01697-APG-GWF  
and UNIVERSITY OF STRATHCLYDE, )  
Plaintiffs, )  
) **JOINT MOTION TO STAY ACTION**  
v. )  
AMNEAL PHARMACEUTICALS LLC )  
Defendant. )

1 Plaintiffs Spectrum Pharmaceuticals, Inc., and University of Strathclyde (collectively,  
2 “Plaintiffs”) and Defendant Amneal Pharmaceuticals LLC (“Amneal”) jointly move for an Order  
3 staying the above-captioned action pending resolution of *Spectrum Pharmaceuticals, Inc., v.*  
4 *Sandoz, Inc.*, Case No. 2:12-cv-00111 (“Sandoz Action”), which is currently on appeal to the  
5 U.S. Court of Appeals for the Federal Circuit, in accordance with terms and conditions agreed to  
6 by Plaintiffs and Amneal.

7 In support of this motion, Plaintiffs and Amneal state as follows:

8 1. Plaintiffs brought this action alleging infringement of U.S. Patent No. 6,500,829  
9 (the “‘829 patent”) based on the submission by Amneal of an Abbreviated New Drug  
10 Application (“ANDA”) seeking approval to market a generic version of Fusilev®, a drug product  
11 that is the subject of New Drug Application No. 20-140.

12 2. Pursuant to an agreement reached between Plaintiffs and Amneal, Plaintiffs and  
13 Amneal have agreed: (a) to file this joint motion to stay; and (b) upon resolution of the appeal in  
14 the Sandoz Action and entry by the Court in the Sandoz Action of final judgment that is not  
15 appealable or appealed, to file a joint motion requesting that the Court lift the stay for purposes  
16 of entering a judgment or order in this case in accordance with the terms of said final judgment.

17 3. For purposes of this case only, Amneal consents to be subject to personal  
18 jurisdiction in this Court, waives any challenge that venue in this Court is proper under 28 U.S.C.  
19 §§ 1391 and 1400, and agrees not to file a motion to transfer under 28 U.S.C. § 1404(a).

20 4. Accordingly, Plaintiffs and Amneal jointly request that the Court stay this case  
21 pending resolution of the Sandoz Action.

22 5. A proposed Order is attached.

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**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

SPECTRUM PHARMACEUTICALS, INC. ) Case No. 2:15-cv-01697-APG-GWF  
and UNIVERSITY OF STRATHCLYDE, )  
Plaintiffs, )  
[PROPOSED] ORDER STAYING )  
ACTION )  
v. )  
AMNEAL PHARMACEUTICALS LLC )  
Defendant. )

1        WHEREAS, on September 3, 2015, Plaintiffs Spectrum Pharmaceuticals, Inc., and  
2 University of Strathclyde brought this action against Amneal Pharmaceuticals, Inc., alleging  
3 infringement of U.S. Patent No. 6,500,829 (the “‘829 patent”) under 35 U.S.C. § 271(a), (b), (c),  
4 and (e)(2)(A).

5        WHEREAS, Plaintiffs and Amneal have jointly moved to stay the action pending  
6 resolution of *Spectrum Pharmaceuticals, Inc., v. Sandoz, Inc.*, Case No. 2:12-cv-00111 (“Sandoz  
7 Action”), which is currently on appeal to the U.S. Court of Appeals for the Federal Circuit, in  
8 accordance with terms and conditions agreed to by Plaintiffs and Amneal.

9        NOW, THEREFORE, IT IS HEREBY ORDERED:

10       All claims, counterclaims, and defenses as between Plaintiffs and Amneal are hereby  
11 stayed in their entirety pending submission of a joint motion by Plaintiffs and Amneal requesting  
12 that the stay be lifted for purposes of entering judgment with respect to one or more of said  
13 claims, counterclaims, and/or defenses on terms and conditions agreed to between Plaintiffs and  
14 Amneal.

15  
16       IT IS SO ORDERED:

17       Dated: September 16, 2015

  
GEORGE FOLEY, JR.  
United States Magistrate Judge